



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/599,606	10/03/2006	Gook Young Lee	56587.42	1556
27128	7590	05/21/2012		
HUSCH BLACKWELL LLP			EXAMINER	
190 Carondelet Plaza			UBER, NATHAN C	
Suite 600				ART UNIT
ST. LOUIS, MO 63105				PAPER NUMBER
			3622	
				NOTIFICATION DATE
				DELIVERY MODE
			05/21/2012	ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

pto-sl@huschblackwell.com

<b>Examiner-Initiated Interview Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/599,606 LEE ET AL.	<b>Examiner</b>	<b>Art Unit</b>
	NATHAN C. UBER	3622	

All participants (applicant, applicant's representative, PTO personnel):

(1) NATHAN C. UBER. (3) Dan Cohn.  
 (2) Samuel Digirolamo. (4) \_\_\_\_\_.

Date of Interview: 16 May 2012.

Type:  Telephonic  Video Conference  
 Personal [copy given to:  applicant  applicant's representative]

Exhibit shown or demonstration conducted:  Yes  No.  
 If Yes, brief description: \_\_\_\_\_.

Issues Discussed 101 112 102 103 Others

(For each of the checked box(es) above, please describe below the issue and detailed description of the discussion)

Claim(s) discussed: 11.

Identification of prior art discussed: \_\_\_\_\_.

**Substance of Interview**

(For each issue discussed, provide a detailed description and indicate if agreement was reached. Some topics may include: identification or clarification of a reference or a portion thereof, claim interpretation, proposed amendments, arguments of any applied references etc...)

See Continuation Sheet.

**Applicant recordation instructions:** It is not necessary for applicant to provide a separate record of the substance of interview.

**Examiner recordation instructions:** Examiners must summarize the substance of any interview of record. A complete and proper recordation of the substance of an interview should include the items listed in MPEP 713.04 for complete and proper recordation including the identification of the general thrust of each argument or issue discussed, a general indication of any other pertinent matters discussed regarding patentability and the general results or outcome of the interview, to include an indication as to whether or not agreement was reached on the issues raised.

Attachment

/NATHAN C UBER/ Primary Examiner, Art Unit 3622	
--	--

Continuation of Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: Examiner contacted Applicant to discuss the status of this application, particularly claim 11, as a result of the recent BPAI decision in which the Examiner's rejection was affirmed in part. The portion of claim 11 that the board deemed improperly rejected by Examiner is not allowable for a few reasons. The limitation includes a conditional phrase permitting a broadest reasonable interpretation of the limitation in which the limitation has no patentable impact on the scope of the claim. Further there is an antecedent basis problem in the limitation. Additionally the BPAI seemed to interpret this limitation to mean that a commission rate is "modified in a particular way," however the BPAI's interpretation does not appear to be supported by the original disclosure, Applicant's interpretation or Examiner's interpretation. Examiner explained that Applicant has until June 13 to act on this application. Their options include further appeal, filing an RCE with claim amendments or doing nothing and simply waiting for Examiner to respond. However Examiner also explained that after June 13th, Examiner must act on the case either by indicating allowable subject matter or re-opening prosecution. Examiner informed applicant that Examiner cannot allow claim 11 (for the reasons indicated above), thus after June 13th Examiner will likely reopen the application. Examiner also indicated that Examiner is willing to entertain proposed amendments to claim 11 to overcome the scope and 112 issues - and if Examiner is confident that the resulting claim limitation does not need further search or consideration - Applicant and Examiner may be able to avoid reopening prosecution. However Examiner also indicated that if the amended limitation needs examination an RCE would be necessary. No agreements were reached, except that Applicant and Examiner agreed to reconvene again between now and June 13th to discuss options and try to move the application forward in the most expedient manner. Examiner requested this interview, and Examiner appreciates Applicant's time and attention.